

1                               BEFORE THE HYDRAULICS APPEALS BOARD  
2                               STATE OF WASHINGTON

3           KAREN JO DOBSON and ART KENYON,

4                               Appellants,

5                               v.

6           STATE OF WASHINGTON,  
7           DEPARTMENT OF FISH and WILDLIFE,  
8           and QWEST COMMUNICATIONS

9                               Respondents.

HAB NO. 05-001

ORDER OF DISMISSAL

10           The appellants filed this appeal before the Hydraulics Appeals Board on July 28, 2005,  
11           challenging permits issued to Qwest Communications for construction of a utility crossing. A  
12           Pre-Hearing Conference in the case was scheduled for August 30, 2005, however, the appellants  
13           failed to appear. Messages were left on the day of the pre-hearing conference with both  
14           telephone numbers of record directing the appellants to contact the Environmental Hearings  
15           Office. After receiving no communication from the appellants, a letter was sent to the parties  
16           dated September 9, 2005, indicating the pre-hearing conference was a mandatory part of the  
17           proceedings in the case and directing the appellants to contact the Board by September 16, 2005.  
18           The letter concluded with a statement that if the Board did not receive a response, entry of a  
19           default would have to be considered. No communication has been received from the appellants.

20           The Department of Fish and Wildlife requested entry of an order of default against the  
21           appellants and dismissal of the case. The Board entered an Order to Show Cause directing the

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1 appellants Karen Jo Dobson and Art Kenyon to show cause in writing on or before November 1,  
2 2005, why the case should not be dismissed. The appellants have failed to respond to the Order  
3 to Show Cause. Now, therefore,

4 IT IS HEREBY ORDERED that the appellants are in default and this appeal is  
5 DISMISSED.

6 Done this 9<sup>th</sup> day of November 2005

7 HYDRAULICS APPEALS BOARD

8 HEDIA ADELSMAN  
Department of Ecology Representative

9 JANE BANYARD  
10 Department of Fish & Wildlife Representative

11 LEE FAULCONER  
Department of Agriculture Representative

12 Phyllis K. Macleod  
13 Administrative Appeals Judge, Presiding